

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:23-cv-00154-MR**

BRUCE L. GORHAM EL,¹

Plaintiff,

vs.

FNU WALSH, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff filed the Complaint pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Alexander Correctional Institution. [Doc. 1]. On May 15, 2024, the Amended Complaint was dismissed on initial review and the Court granted the Plaintiff 30 days in which to amend. [Doc. 22]. The Plaintiff was cautioned that, “[s]hould the Plaintiff fail to timely amend his Complaint in accordance with this Order, the Court will dismiss this action without further notice.” [Id. at 13].

The Plaintiff has not amended his Complaint, and the time to do so has expired. It appears that he has abandoned this action, and the Court is

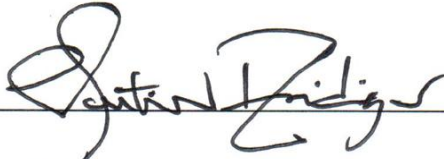
¹ Also known as Bruce L. Gorham.

unable to proceed. Accordingly, this action is dismissed without prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed: July 29, 2024



Martin Reidinger
Chief United States District Judge

